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Intervenors FMSR*

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA DIVISION

JOHN AMBLER and STACY  
AMBLER,

Plaintiffs,

v.

FLATHEAD CONSERVATION  
DISTRICT,

Defendant.

Cause No.: CV 23-151-M-DLC-KLD

**PROPOSED INTERVENOR'S  
ANSWER TO COMPLAINT**

Comes now, Friends of Montana Streams and Rivers ("FMSR"), through counsel, and submits this answer to the complaint.

**PARTIES**

1. On information and belief, FMSR admit the allegations in paragraph 1 of the complaint.
2. FMSR admits the allegations in paragraph 2 of the complaint.

#### **NATURE OF ACTION**

3. FMSR admits the allegations in paragraph 3 of the complaint.

#### **JURISDICTION AND VENUE**

4. FMSR admits in part the allegations in paragraph 4 of the complaint. FMSR admits that an actual and justiciable controversy exists between the Amblers and the FCD regarding whether the FCD has jurisdiction and authority to order the Amblers to dismantle a house they are constructing. FMSR denies that the house is located within Glacier National Park.
5. FMSR admits the allegations in paragraph 5 of the complaint.
6. FMSR admits in part the allegation in paragraph 6 of the complaint. FMSR admits that the United States District Court for the District of Montana has jurisdiction over this matter, but is without sufficient information or knowledge to either admit or deny the allegations regarding diversity, and therefore denies the same.
7. FMSR is without sufficient information or knowledge to either admit or deny the allegations in paragraph 7 of the complaint, and therefore denies the same.
8. FMSR denies the allegations in paragraph 8 of the complaint.

9. FMSR admits the allegations in paragraph 9 of the complaint, but to the extent that the allegation suggests or implies that the Flathead Conservation District was without jurisdiction or that the Ambers' home was within the park, denies the allegations.

10.FMSR admits the allegations in paragraph 19 of the complaint, but to the extent that the allegation s suggests or implies that the Flathead Conservation District was without jurisdiction or that the Ambers' home was within the park, denies the allegations.

11.FMSR admits the allegations admit the allegations in paragraph 11 of the complaint.

## **ALLEGATIONS**

12.FMSR admits the allegations in paragraph 12 of the complaint.

13.FMSR is without sufficient information or knowledge to either admit or deny the allegations in paragraph 13 of the complaint, and therefore denies the same.

14.FMSR denies the allegations in paragraph 14 of the complaint.

15.FMSR admits the allegations in paragraph 15 of the complaint.

16.FMSR admits the allegations in paragraph 16 of the complaint.

17.FMSR admits the allegations in paragraph 17 of the complaint.

18.FMSR admits the allegations in paragraph 18 of the complaint.

## **COUNT I**

19.FMSR incorporates its answers to paragraphs 1-14 of this answer in response to paragraph 19 of the complaint.

20.FMSR admits the allegations in paragraph 20 of the complaint.

21.FMSR admits the allegations in paragraph 21 of the complaint.

22.FMSR admits the allegations in paragraph 22 of the complaint, but denies that the Conservation District did not have jurisdiction over the Amblers' property.

#### **AFFIRMATIVE DEFENSES**

1. The Amblers claims are barred by the doctrine of unclean hands.

**Wherefore**, FMSR prays for the following relief

1. That the Court issue a declaration that that the Conservatino District has jurisdiction over the Amblers' property and that the 310 law applies to the property.
2. That the Amblers' take nothing by way of their complaint.
3. For costs and attorney's fees as allowed by law.
4. For any other relief this Court deems just and proper.

Dated this 26th day of April

MORRISON SHERWOOD  
WILSON DEOLA, PLLP

By: /s/Robert Farris-Olsen  
Robert Farris-Olsen

*Attorneys for the Proposed  
Intervenors FMSR*